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SH 2388831

EXHIBITS

A Los Angeles County Sheriff's Department Homicide Bureau Case Book under file number 015-09211-0372-013.

B Los Angeles County District Attorney's Office Letter of Opinion, dated November 15, 2016. Justice System Integrity Division file number 15-0560.

C South Los Angeles Station Vehicle Pursuit Package.

D Aerial photograph of Cul-de-sac Street.

E Michael Bayer, Los Angeles County Forensic Identification Specialist's computerized sketch of the crime scene.

F Photographs of crime scene.

G 1 DVD containing crime scene photographs, interviews, and video taken of scene post the incident.

MISCELLANEOUS DOCUMENTS

Signed Administrative Rights Force/Shooting Investigation forms.

In-Service for EM shift on 10-20-2015.



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



JIM MCDONNELL, SHERIFF

March 13, 2018

Date of Department Hire 07/14/2005

Deputy Robert Maas, #[redacted]

Dear Deputy Maas:

IMPOSITION LETTER

On October 20, 2017, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number IV2437532. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, Department executives determined that the recommended discipline is appropriate.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days, effective April 9, 2018 through April 23, 2018.

An investigation under File Number IAB IV2437532, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/030.10 Obedience to Laws, Regulations and Orders, as it pertains to 5-09/210.16 Post Pursuit Tactics and/or 3-10/050.15 Performance to Standards - Performance Associated with the Use of Force, on or

about October 19, 2015, while on-duty, you failed to perform to the standards established for your rank of Deputy Sheriff, and/or failed to perform your duties in a manner, which established and maintained the highest standard of efficiency in carrying out the functions and objectives of the Department, when you took independent actions and/or used strategies and/or tactics, which failed to comply with Department policies, procedures, and training, as evidenced by, but not limited to:

a. failing to treat the traffic stop of Suspect Gossett, after a vehicle pursuit, as a felony traffic stop; and/or,

b. failing to treat Suspect Gossett as a barricaded suspect, after a vehicle pursuit, when Suspect Gossett failed to obey commands, and remained in his vehicle; and/or,

c. leaving your position of advantage by walking away from your patrol vehicle, and/or a parked vehicle, and approaching Suspect Gossett's vehicle; and/or,

d. failing to use a parked vehicle, and/or another hard object, as cover and/or concealment, while detaining Suspect Gossett at gun point; and/or,

e. approaching Suspect Gossett's vehicle, while detaining him at gun point; and/or,

f. reaching inside Suspect Gossett's vehicle and grabbing him by the left arm, believing Suspect Gossett was reaching for a weapon, and arming himself.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05, and 18.01 of the Civil Service Rules.

Within fifteen (15) business days from the date of service of this notice of suspension, you may request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

If you have any questions, you may contact Patty Choe, of Internal Affairs Bureau, at [redacted]

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

April L. Tardy, Captain
South Los Angeles Station



OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

October 20, 2017

Deputy Robert Maas, #[redacted]
[redacted]

Dear Deputy Maas:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days.

An investigation under IAB File Number IV2437532, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/030.10 Obedience to Laws, Regulations and Orders, as it pertains to 5-09/210.16 Post-Pursuit Tactics and/or 3-10/050.15 Performance to Standards - Performance Associated with the Use of Force, on or about October 19, 2015, while on-duty, you failed to perform to the standards established for your rank of Deputy Sheriff, and/or failed to perform your duties in a manner which established and maintained the highest standard of efficiency in carrying out the functions and objectives of the Department, when you took independent actions and/or used strategies and/or tactics which failed to comply with Department policies, procedures, and training, as evidenced by, but not limited to:

a. failing to treat the traffic stop of Suspect Gossett, after a vehicle pursuit, as a felony traffic stop; and/or,

b. failing to treat Suspect Gossett as a barricaded suspect, after a vehicle pursuit, when Suspect Gossett failed to obey commands and remained in his vehicle; and/or,

c. leaving your position of advantage, by walking away from your patrol vehicle and/or a parked vehicle and approaching Suspect Gossett's vehicle; and/or,

d. failing to use a parked vehicle and/or another hard object as cover and/or concealment, while detaining Suspect Gossett at gun point; and/or,

e. approaching Suspect Gossett's vehicle while detaining him at gun point; and/or,

f. reaching inside Suspect Gossett's vehicle and grabbing him by the left arm, believing Suspect Gossett was reaching for a weapon and arming himself.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

Prior to determining this disciplinary action, the Executive Force Review Committee and I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

At the time of service of this letter of intent, you were provided with a copy of the material on which the discipline is based. If you are unable to access the information provided in the enclosed CD, you may contact Patty Choe, of

Internal Affairs Bureau, at [redacted] and arrange an appointment for assistance in this regard.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Original Signed

April L. Tardy, Captain
South Los Angeles Station

ALT:PC:pc

cc: Advocacy Unit
Employee Relations Unit
Joseph M. Gooden, Chief, Central Patrol Division
Internal Affairs Bureau
(File # IAB IV2437532)



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

JACKIE LACEY • District Attorney
JOHN K. SPILLANE • Chief Deputy District Attorney
JOSEPH P. ESPOSITO • Assistant District Attorney

SCOTT K. GOODWIN • Director

November 15, 2016

Captain Steven Katz
Los Angeles County Sheriff's Department
Homicide Bureau
One Cupania Circle
Monterey Park, California 91755

Re: Officer Involved Shooting of Dion Ramirez
J.S.I.D. File #15-0560
L.A.S.D. File #015-09211-0372-013

Dear Captain Katz:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the October 19, 2015, fatal shooting of Dion Ramirez by a member of the Los Angeles County Sherriff's Department. Our detailed analysis of this incident is contained in the attached memorandum.

Very truly yours,

JACKIE LACEY
District Attorney

JAMES GARRISON
Head Deputy District Attorney
Justice System Integrity Division

c: Deputy Robert Maas, #[redacted]

Hall of Justice
211 West Temple Street, Suite 1200
Los Angeles, CA 90012
(213) 974-3888
Fax: (213) 626-5125
WEBSITE: http://da.co.la.ca.us

MEMORANDUM

TO: CAPTAIN STEVEN KATZ
Los Angeles County Sheriff's Department
Homicide Bureau
One Cupania Circle
Monterey Park, California 91755

FROM: JUSTICE SYSTEM INTEGRITY DIVISION
Los Angeles County District Attorney's Office

SUBJECT: Officer Involved Shooting of Dion Ramirez
J.S.I.D. File #15-0560
L.A.S.D. File #015-09211-0372-013

DATE: November 15, 2016

The Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office has completed its review of the October 19, 2015, fatal shooting of Dion Ramirez by Los Angeles County Sheriff's Department (LASD) Deputy Robert Maas.[1] We have determined Deputy Maas acted in lawful self-defense.

The following analysis is based upon a series of reports prepared by LASD Homicide Bureau. JSID was notified of this shooting at 1:46 a.m. on October 20, 2015. The District Attorney Response Team responded to the location of the shooting where they received a briefing and "walk-through" of the scene. No compelled statements were considered for purposes of this analysis.

FACTUAL ANALYSIS

On October 19, 2015, Deputies Robert Maas and Bryan Vernay were working together as partners. They were both dressed in full LASD uniforms and riding in a marked LASD patrol car.[2] At approximately 11:45 p.m., the deputies were stopped facing north in the left hand turn lane on Vermont Avenue preparing to turn west onto Century Boulevard. Both deputies noticed a gold Lexus opposite them stopped in the left turn lane of southbound Vermont Avenue. When the left turn arrow turned green, the deputies made their left turn but noticed that the gold Lexus remained stopped in the southbound left turn lane.

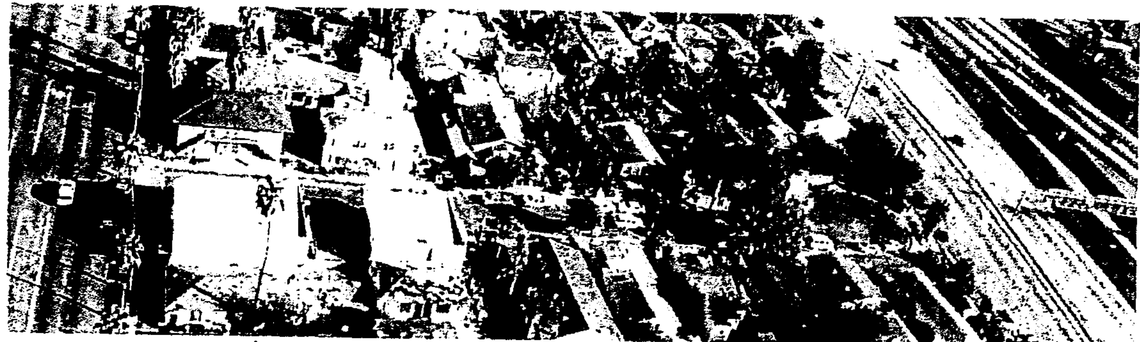
Vernay made a U-turn and saw the gold Lexus, now traveling east on Century Boulevard straddling lanes. Vernay activated the patrol car's emergency lights, intending to conduct a DUI investigation. The Lexus pulled to the south curb of Century Boulevard and both deputies exited their patrol car. Vernay approached the driver's side of the Lexus while Maas approached the

[1] Dion Ramirez is also known as Dion Lamont Gossett, Dion Johnson Ramirez and Dion Lamont Johnson.
[2] Varney was driving and Maas was in the right front passenger seat.

passenger's side. Suddenly, the driver of the Lexus drove off at a high rate of speed. Vernay and Maas reentered their vehicle, activated the police car's emergency lights and siren and pursued the Lexus.

The Lexus drove east on Century Boulevard to Grand Avenue, south on Grand Avenue to 104th Street, west on 104th Street to Figueroa Avenue and north on Figueroa Avenue. Over the course of the next several minutes, the Lexus made multiple circles between Grand Avenue and Figueroa Avenue utilizing different east-west streets. The deputies pursued. Maas broadcast that they were in pursuit, that the Lexus appeared to have two occupants and was traveling at an excessive speed and gave updates on the location of the Lexus and its direction.

After driving in circles for several minutes, the Lexus traveled east on 111th Street toward Figueroa Avenue. 111th Street ends in a cul de sac abutting the 110 freeway one block east of Figueroa.



111th Street between Figueroa Avenue and the 110 Freeway



Cul de sac on 111th Street

The deputies pursued the Lexus down 111th Street and Vernay stopped the patrol car at the mouth of the cul de sac facing east and angled sligtly north.



Patrol car in mouth of cul de sac

At the time that Vernay stopped the patrol car, the Lexus was facing north in the cul de sac. The deputies exited their patrol car and drew their service weapons. The driver of the Lexus, later identified as Dion Ramirez, backed the Lexus south and then turned the Lexus to face westbound (facing the deputies and the patrol car). As Ramirez completed his turn, the right front passenger of the Lexus, later identified as [redacted] jumped out of the passenger's side of the Lexus and moved approximately six feet from the Lexus toward the north side of the cul de sac. As [redacted] exited the Lexus, she began yelling "he's crazy" in an apparent reference to Ramirez.

Vernay, who was north of the patrol car and closest to [redacted] began to give her orders. Vernay's primary focus was on [redacted] but he made intermittent observations of Maas out of his peripheral vision. Vernay noticed that Maas began to move to the south of the patrol car and heard him giving orders to Ramirez. Vernay saw Maas approach the driver's side of the Lexus and then saw the Lexus begin to travel forward. It appeared to Vernay as though Maas became entangled through the driver's side window of the Lexus. Vernay heard Maas giving orders to Ramirez and saw Maas walking backwards with the Lexus as it traveled forward.

Vernay did not believe there was sufficient space for the Lexus to pass between the patrol car and a white van that was parked on the south curb of 111th Street. Vernay was concerned that Maas was going to get "rubbed off" between the Lexus and the white van. As the Lexus continued to drive forward with Maas still entangled through the front driver's side window, Vernay heard approximately four to five gunshots. Vernay broadcast "998" meaning that an officer involved shooting had occurred. Within 20-30 seconds, additional deputies arrived and assisted with detaining [redacted] and removing Ramirez from the Lexus.

Deputy Maas was interviewed by LASD Homicide detectives on October 20, 2015 at 6:13 a.m. He described his initial observations of the Lexus, the traffic stop on Century Boulevard, the Lexus driving away from the traffic stop, and the pursuit of the Lexus. Maas stated that during the pursuit, the Lexus traveled at approximate speeds of 65-70 miles per hour though residential streets and failed to stop at numerous stop signs. Shortly before the Lexus traveled east on 111th Street, the Lexus nearly collided with another vehicle.

As the Lexus neared the dead end of 111th Street, the Lexus came to skidding stop facing slightly north. Maas and Vernay exited the patrol car and the Lexus then turned so it was now facing west approximately eight feet east of the front bumper of the patrol car. [redacted] got out of the Lexus and shouted, "He's fucking crazy!" Maas drew his service weapon and used the attached flashlight to illuminate Ramirez.

Maas repeatedly ordered Ramirez to "shut off the car" and "show his hands." Ramirez said "no" and shook his head each time Maas gave him a direction. Mass estimated that, in total, he issued orders to Ramirez approximately 15 times. Based on Ramirez's dangerous high speed flight from the deputies and his verbal and non-verbal refusal to surrender, Maas became concerned that Ramirez was going to attempt to continue his flight by driving between the vehicles parked along the south curb and the patrol car. Maas believed that there was insufficient space for the Lexus to pass between the parked cars and the patrol car, and that if Ramirez attempted to drive though that space he (Maas) would be in danger of being crushed. Maas moved east and south of the patrol car to a position slightly in front of the white van parked along the south curb.



View facing west on 111th Street showing patrol car and white and green vans

Maas saw Ramirez reach with his left hand into the space between the driver's seat and the driver's side door. Believing that Ramirez was arming himself with a firearm, Maas approached the Lexus, reached into the driver's side window, grabbed Ramirez's left arm with this left hand and pulled Ramirez's left arm up.[3] Ramirez, in turn, grabbed hold of Maas' uniform shirt with his left hand and began driving the Lexus forward.

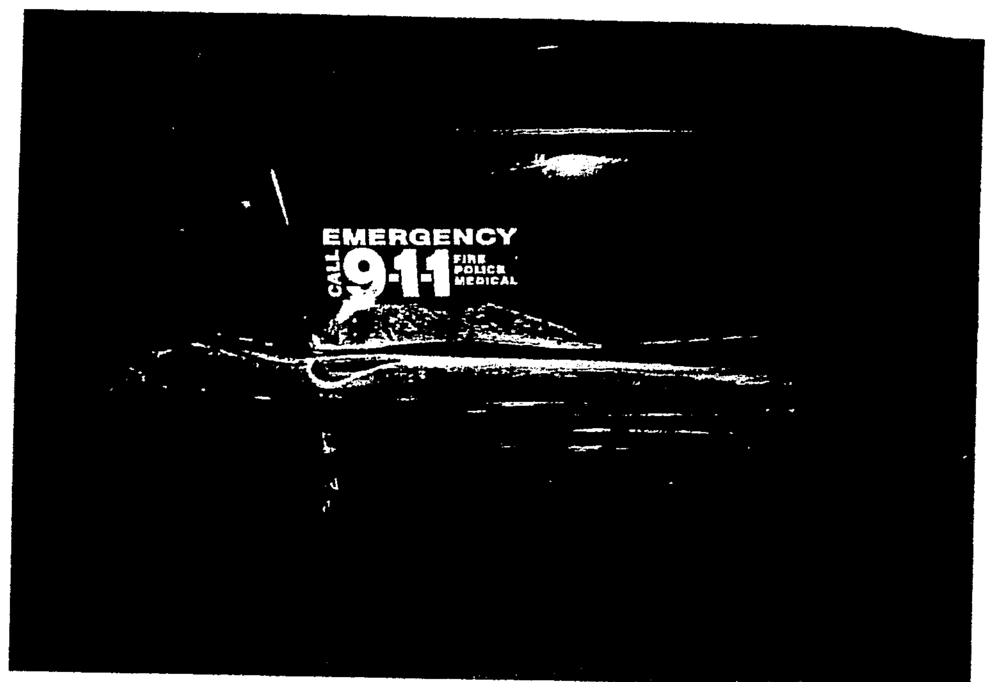
Maas attempted to break free of Ramirez's grasp and managed to pivot his body so that he was facing west on 111th Street. Ramirez's arm was now outside of the Lexus and behind Maas and Maas was being forced forward into the narrow space between the patrol car and the vans parked on the south side of 111th Street. Fearing that he was about to be crushed, Maas fired his service weapon several times at Ramirez. Maas was able to extricate himself from Ramirez as the Lexus continued forward, scraped along the rear passenger's side of the patrol car and collided with a vehicle parked further west on 111th Street.



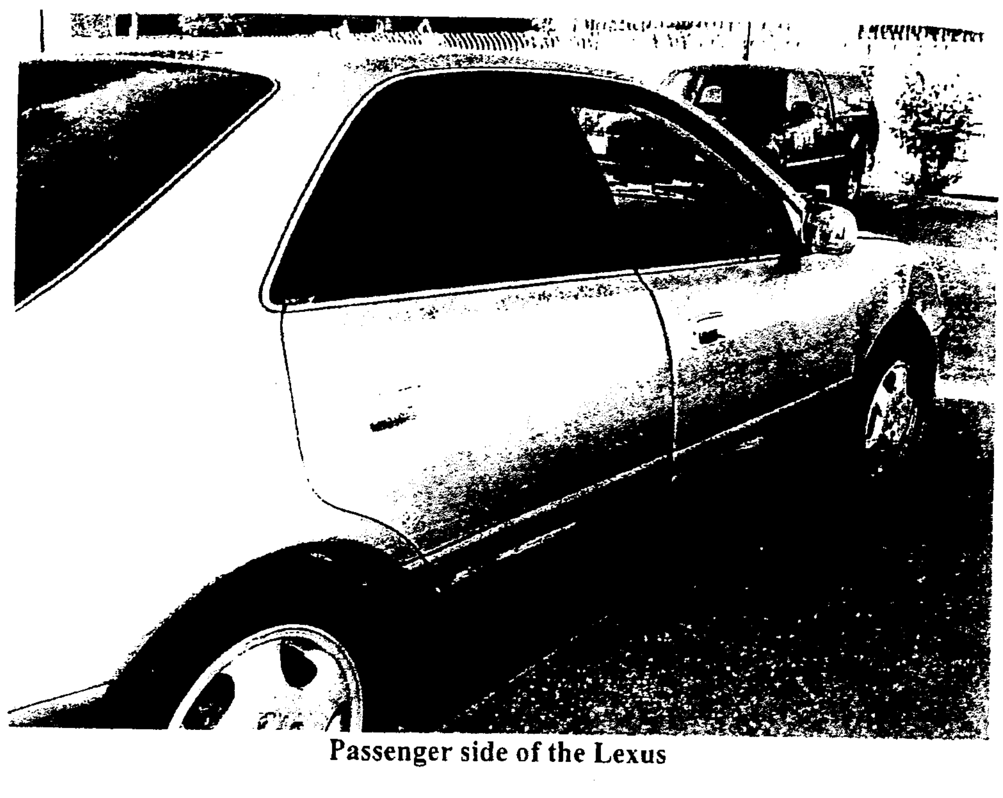
View west 111th Street

The impact of the Lexus caused body damage to the passenger side rear quarter panel of the patrol car and the passenger side of the Lexus.

[3] No firearm was located inside the Lexus.



Passenger side of the patrol car



Passenger side of the Lexus

After additional deputies arrived, a group of deputies approached the Lexus, removed Ramirez from the vehicle and summoned an ambulance. Paramedics arrived on the scene and pronounced Ramirez dead.

Statement of [redacted][4]

[redacted] the passenger in the Lexus, was interviewed on October 20, 2015, at approximately 4:45 a.m. [redacted] stated that the deputies walked up to Ramirez and shot him while Ramirez's hands were on the steering wheel. [redacted] initially stated both deputies shot Ramirez but then stated that only the deputy on the driver's side of the Lexus shot. She denied that Ramirez moved the Lexus forward at the time of the shooting and stated the Lexus was in "park" and never moved. She stated that she did not hear any sounds of the Lexus impacting another vehicle during the incident.

[redacted] also denied that Ramirez fled from the police after the initial stop on Century Boulevard. She denied that Ramirez had been pursued by the police for several minutes before becoming trapped in the cul de sac, stating that he pulled over right away. [redacted] also denied that she stated "he's crazy" when she exited the Lexus.

[redacted] gave extremely evasive answers when questioned about how she came in contact with Ramirez that evening. She admitted that this was the first time she had ever met Ramirez. She initially stated she met Ramirez at his house and went there to meet his [redacted] When questioned as to how she knew where Ramirez's house was since she had never met him before, she stated that Ramirez had actually picked her up at a Burger King restaurant on Broadway Street and Century Boulevard before taking her back to his house.[5] [redacted] stated on several occasions that she wanted to sue the deputies and did not want any of her statements to jeopardize her lawsuit.

On October 23, 2015, Deputy Medical Examiner Yulai Wang, M.D. conducted an autopsy on Ramirez's remains. Doctor Wang concluded that Ramirez died as a result of multiple gunshot wounds to his head and chest. Ramirez suffered eight gunshot wounds during this incident.[6] The bullet paths were from front to back, left to right and downward. A chemical analysis of Ramirez's blood disclosed the presence of cocaine and its metabolites.

LEGAL ANALYSIS

California law permits the use of deadly force in self-defense or in the defense of another if it reasonably appears that the person claiming the right of self-defense actually and reasonably believed that he was in imminent danger of great bodily injury or death. People v. Randle (2005) 35 Cal.4th 987, 994; People v. Mercer (1962) 210 Cal.App.2d 153, 161.

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[4] [redacted] is also known as [redacted] [redacted] [redacted] and [redacted]

[5] [redacted] denied that her work as a prostitute is what brought her into contact with Ramirez the night of the incident. [redacted] has prior felony convictions for unlawful taking of a motor vehicle (VC 10851), as well as numerous arrests and convictions for prostitution (PC 647(B)) and loitering with the intent to commit prostitution (PC 653.22).

[6] An additional projectile, from an earlier shooting, was also recovered from Ramirez's neck.

In protecting himself or another, a person may use that amount of force which he believes reasonably necessary and which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent imminent injury. CALCRIM No. 3470.

Actual danger is not necessary to justify the use of deadly force in self-defense. If one is confronted by the appearance of danger which one believes, and a reasonable person in the same position would believe, would result in death or great bodily injury, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or apparent. People v. Toledo (1948) 85 Cal.App.2d 577; People v. Agnello (1968) 259 Cal.App.2d 785; CALCRIM Nos. 505, 3470.

"The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than the 20/20 vision of hindsight…The calculus of reasonableness must embody allowance for the fact that police officers are often forced to make split-second judgments---in circumstances that are tense, uncertain, and rapidly evolving---about the amount of force that is necessary in a particular situation." Graham v. Connor (1989) 490 U.S. 386, 396-397.

Where the peril is swift and imminent and the necessity for action immediate, the law does not weigh in too nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. People v. Collins (1961) 189 Cal.App.2d 575.

CONCLUSION

When Deputies Varney and Maas pulled Ramirez over to conduct a DUI investigation he fled at high speeds through a mixed commercial and residential neighborhood. Ramirez failed to stop at numerous stop signs during his flight from police and nearly collided with another vehicle. Ramirez's dangerous flight alerted the pursuing deputies to the fact that Ramirez was willing to endanger others to effectuate his escape. When Ramirez became trapped in a cul de sac, rather than surrender, he elected to turn his vehicle around and point it at the deputies. Ramirez made efforts to continue his flight despite being confronted by deputies pointing their firearms at him. Ramirez's disregard for this potentially deadly threat reasonably increased the deputies' belief that Ramirez was a danger to them and others because he was likely to take extraordinary measures to escape. [redacted] rapid escape from Ramirez's vehicle and her statement "he's crazy" further alerted the deputies to the danger posed by Ramirez.

Deputy Maas repeatedly ordered Ramirez to surrender, but Ramirez refused to do so. Instead he reached into the space between the door and the driver's seat. Given all that had transpired, it was reasonable for Maas to fear that Ramirez was reaching for a weapon. In order to prevent Ramirez from arming himself and using the weapon, Maas moved toward the car and grabbed hold of Ramirez's left arm. Rather than surrendering, Ramirez grasped Maas and began to drive the Lexus forward toward a narrow space between the patrol car and vehicles parked along the curb.

Unable to extricate himself from Ramirez and believing that he was about to be crushed between the vehicles, Maas had to make a spit second judgement in order to save himself. Given the totality of the circumstances, Maas' decision to use deadly force to prevent grave harm to himself was justified.

Accordingly, we find that Deputy Robert Maas acted in lawful self-defense when he used deadly force against Ramirez. We are closing our file and will take no further action in this matter.